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| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| <i>Caption in Compliance with D.N.J. LBR 9004-1(b)</i> OBERMAYER REBMANN MAXWELL & HIPPEL LLP Edmond M. George, Esquire Michael D. Vagnoni, Esquire (<i>pro hac vice</i>) 1120 Route 73, Suite 420 Mount Laurel, NJ 08054-5108 Telephone: (856) 795-3300 Facsimile: (856) 482-0504 E-mail: edmond.george@obermayer.com michael.vagnoni@obermayer.com | |
| Counsel to the Debtor and Debtor in Possession | |
| In re: | Chapter 11 |
| KIMO TILE @ MARBLE, LLC, | Case No. 24-20009 (JNP) |
| Debtor. | |

**ORDER AUTHORIZING RETENTION OF ASTERION, INC.
AS ACCOUNTANTS TO THE DEBTOR IN POSSESSION**

The relief set forth on the following page is hereby **ORDERED**.

Upon the applicant, KIMO Tile @ Marble, LLC's (the "Debtor" or "Applicant"), request for authorization to retain Asterion, Inc. ("Asterion"), as its accountant, it is hereby ORDERED:

1. The Applicant is authorized to retain the above party in the professional capacity noted.
The professional's address is: Asterion, Inc.
1617 JFK Boulevard, Suite 1040
Philadelphia, PA 19103
2. Asterion will charge an hourly rate, from \$300 to \$550 per hour for principals and managing directors, \$250 to \$345 per hour for consultants, and \$150 to 245 per hour for associates and staff, depending on the level of seniority of the individual performing the services, plus reimbursement for all actual out-of-pocket expenses incurred in connection with this engagement, as approved by the Court upon application.
3. If the professional requested a waiver as noted below, it is ☐ Granted
☐ Denied.
☐ Waiver, under D.N.J. LBR 2014-2(b), of the requirements of D.N.J. LBR 2016-1.
☐ Waiver, under D.N.J. LBR 2014-3, of the requirements of D.N.J. LBR 2016-1 in a chapter 13 case. Payment to the professional may only be made after satisfactory completion of services.
4. The effective date of the retention is the date the Application was filed with the Court.

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| In re: | Chapter 11 |
| KIMO TILE @ MARBLE, LLC, | Case No. 24-20009 (JNP) |
| Debtor. | |

**CERTIFICATION OF PROFESSIONAL IN SUPPORT OF
APPLICATION FOR RETENTION OF PROFESSIONAL**

I, Stephen J. Scherf, CPA/ABV/CFF, CDBV, CFE, CICA, CIRA, CTP, CVA, being of full age, certify as follows:

1. I am seeking authorization to be retained as accountant to KIMO Tile @ Marble, LLC, the Debtor.
2. My professional credentials include: I have over 30 years of experience providing a wide array of accounting and consulting services to clients with an emphasis on business valuations, fraud investigations, bankruptcy and litigation matters. I am a Certified Public Accountant Accredited in Business Valuation and Certified in Financial Forensics, a Certified Fraud Examiner, a Certified Internal Control Auditor, a Certified Insolvency and Restructuring Advisor, a Certified Treasury Professional, a Certified Valuation Analyst, and hold a Certification in Distressed Business Valuation.
3. I am the Principal of: Asterion, Inc. ("Asterion"), 1617 JFK Boulevard, Suite 1040, Philadelphia, PA 19103.

4. The proposed arrangement for compensation, including hourly rates, if applicable is as follows:

Asterion will charge an hourly rate, from \$300 to \$550 per hour for principals and managing directors, \$250 to \$345 per hour for consultants, and \$150 to 245 per hour for associates and staff, depending on the level of seniority of the individual performing the services, plus reimbursement for all actual out-of-pocket expenses incurred in connection with this engagement, as approved by the Court upon application.

☐ Pursuant to D.N.J. LBR 2014-3, I request a waiver of the requirements of D.N.J. LBR 2016-1.

5. To the best of my knowledge, after reasonable and diligent investigation, my connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

☒ None
☐ Describe connection:

6. To the best of my knowledge, after reasonable and diligent investigation, the connection of my firm, its members, shareholders, partners, associates, officers and/or employees with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

☒ None
☐ Describe connection:

7. To the best of my knowledge, my firm, its members, shareholders, partners, associates, officers and/or employees and I (check all that apply):

☒ do not hold an adverse interest to the estate.
☒ do not represent an adverse interest to the estate.
☒ are disinterested under 11 U.S.C. § 101(14).

☒ do not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which I will be retained under 11 U.S.C. § 327(e).

☐ Other. Explain:

8. If the professional is an auctioneer,
The following are my qualification and experience with the liquidation or sale of similar property:

b. The proposed method of calculation of my compensation, including rates and formulas, is:

Pursuant to D.N.J. 2014-2, I ☐ do or ☐ do not request a waiver of the requirements of D.N.J. LBR 2016-1.

c. The following is an estimate of all costs and expenses, including labor, security advertising, delivery, mailing, and insurance, for which I will seek reimbursement from the sale proceeds:

d. Have you or a principal of your firm, been convicted of a criminal offense?

☐ No ☐ Yes (explain below)

e. I certify that a surety bond as described in D.N.J. LBR 2014-2(a)(6) is in effect and will remain so through the turnover of the auction proceeds.

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows:

I certify under penalty of perjury that the above information is true

Date: 11-26-24



Stephen J. Scherf, CPA/ABV/CFF,
CDBV, CFE, CICA, CIRA, CTP, CVA
Principal

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| Counsel to the Debtor and Debtor in Possession | |
| In re: KIMO TILE @ MARBLE, LLC, <div style="text-align: center;">Debtor.</div> | |

Chapter 11

Case No. 24-20009 (JNP)

APPLICATION FOR RETENTION OF PROFESSIONAL

1. The applicant, KIMO Tile @ Marble, LLC (the “Applicant” or “Debtor”), is the (check all that apply):

☐ Trustee: ☐ Chap. 7 ☐ Chap. 11 ☐ Chap. 13.

☒ Debtor: ☒ Chap. 11 ☐ Chap. 13

☐ Official Committee of _____

2. The Applicant seeks to retain the following professional, Asterion, Inc. (“Asterion”), to serve as (check all that apply):

☐ Attorney for: ☐ Trustee ☐ Debtor-in-Possession

☐ Official Committee of _____

☒ Accountant for: ☐ Trustee ☒ Debtor-in-possession

☐ Official Committee of _____

☐ Other Professional:

☐ Realtor ☐ Appraiser ☐ Special Counsel
☐ Auctioneer ☐ Other (specify): _____

3. The employment of the professional is necessary because:

Applicant desires to retain Asterion as its accountant to prepare a balance sheet, tax return, cash flow statement, and statement of operations for Applicant in this Chapter 11 bankruptcy proceeding.

4. The professional has been selected because:

Asterion's professionals have extensive experience in providing accounting services to Chapter 11 debtors. Applicant believes Asterion is well-qualified to provide accounting services to the Debtor as contemplated herein.

5. The professional services to be rendered are as follows:

- a) Assist the Debtors in preparation of monthly operating reports, financial projections (including 13-week cash flows), liquidation analysis and other schedules in support of the Plan, and Disclosure Statement, as amended;
- b) Assist the Debtors in the negotiations with lenders, creditors and other parties-in-interest regarding the Plan, as requested;
- c) Assist with the analysis and reconciliation of claims against the Debtors, as requested;
- d) Provide testimony at any hearings that constitute part of the Chapter 5 process, including, without limitation, financial matters relating to the Plan, the feasibility of such Plan, the valuation of the entities, and interests retained under the Plan;
- e) Interact with other retained professionals and other parties-in-interest;
- f) Provide potential expert testimony; and
- g) Perform such other tasks as appropriate and as may be requested by the Debtors' management or the Debtors' counsel.

6. The proposed arrangement for compensation is as follows:

Asterion will charge an hourly rate, from \$300 to \$550 per hour for principals and managing directors, \$250 to \$345 per hour for consultants, and \$150 to 245 per hour for associates and staff, depending on the level of seniority of the individual performing the services, plus reimbursement for all actual out-of-pocket expenses incurred in connection with this engagement, as approved by the Court upon application.

7. To the best of the Applicant's knowledge, the professional's connection with the debtors, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee, is as follows:

☒ None.

☐ Describe connection:

8. To the best of the applicant's knowledge, the professional (check all that apply):

☒ does not hold an adverse interest to the estate.

☒ does not represent an adverse interest to the estate.

☒ is a disinterested person under 11 U.S.C. § 101(14).

☒ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. § 327(e).

☐ Other; explain:

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows:

The Applicant respectfully requests authorization to employ the professional to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may determine and allow.

Date:

Sasha Richard Kissoondath
Managing Member

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| Counsel to the Debtor and Debtor in Possession | |
| In re: | Chapter 11 |
| KIMO TILE @ MARBLE, LLC, | Case No. 24-20009 (JNP) |
| Debtor. | |

CERTIFICATION OF SERVICE

1. I, Coleen M. Schmidt:
☐ represent the _____ in this matter.
☒ am the secretary/paralegal for Debtor in possession, who represents the
_____ in this matter.
☐ am the _____ in this case and am representing myself.
2. On November 26, 2024, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

1 - Application for Retention of Asterion, Inc. as Accountant to the Debtor
2 - Certification of Professional in Support of Application for Retention of Professional
3 - Proposed Order Authorizing Retention of Professional
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: November 26, 2024

/s/ Coleen Schmidt
Signature

| Name and Address of Party Served | Relationship of Party to the Case | Mode of Service |
|---|---|---|
| United States Trustee Office of the United States Trustee One Newark Center, Suite 2100 Newark, NJ 07102-5235 USTPRegion03.NE.ECF@usdoj.gov | U.S. Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |
| Kevin P. Callahan, Esq. United States Department of Justice, Office of the United States Trustee One Newark Center, Suite 2100 Newark, NJ 07102 | Attorney for U.S. Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |
| Jeffrey M. Sponder, Esq. U.S. Department of Justice Office of the U.S. Trustee One Newark Center, Suite 2100 Newark, NJ 07102 | Counsel to the U.S. Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |
| Nicole M. Nigrelli, Esq. Ciardi, Ciardi & Astin 1905 Spruce Street Philadelphia, PA 19103 | Chapter V Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |
| Maura Moosnick, Esq. VIRGINIA & AMBINDER, LLP 40 Broad Street, 7th Floor New York, New York 10004 | Counsel for Trustees of the Local 7 Tile Industry Welfare Fund, et al. | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |
| Thomas P. Keane, Esq. Colleran O'Hara & Mills LLP 100 Crossways Park Drive West Suite 200 Woodbury, NY 11797 | Counsel for Tile Setters and Tile Finishers Union of New York and New Jersey, Local No. 7 of the International Union of Bricklayers | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |
| Stuart J. Polkowitz, Esq. Brach Eichler L.L.C. 101 Eisenhower Pkwy Roseland, NJ 07068 | Counsel for Brockwell & Carrington Contractors, Inc. | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other <u>Electronic Means Rule 9013-2</u> (As authorized by the Court or by rule. Cite rule if applicable) |

| Name and Address of Party Served | Relationship of Party to the Case | Mode of Service |
|---|--|---|
| Rosaria A. Suriano, Esq. Brach Eichler L.L.C. 101 Eisenhower Pkwy Roseland, NJ 07068 | Counsel to Brockwell & Carrington Contractors, Inc. | <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other Electronic service via CM/ECF (As authorized by the Court or by rule. Cite rule if applicable) |